

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DANZEL STEARNS

PLAINTIFF

VS.

3:19-CV-00100-BRW

INMATE SERVICES CORPORATION, ET AL.

DEFENDANTS

ORDER

This is Plaintiff’s second class-action case regarding his transportation while in Defendants’ custody. The first case asserted § 1983 class claims,¹ but was dismissed and is currently before the Eighth Circuit.² When Plaintiff’s first case was dismissed, *Peters v. Inmate Services* was pending in the Eastern District of Arkansas (“EDAR”) because it was transferred from the Northern District of Ohio (“NDOH”), based on the first-to-file rule.³ *Peters* asserted negligence class claims based on similar allegations. After the § 1983 class case was dismissed, the *Peters* case was transferred back to the NDOH.

Now Plaintiff has filed a class complaint based on negligence that substantially overlaps with the *Peters* case pending in the NDOH.⁴ Based on the first-to-file rule and for the reasons set out in the NDOH’s January 11, 2018 transfer order, this case should be transferred to the NDOH.⁵ Accordingly, the Clerk of the Court is directed to immediately transfer this case to the Northern District of Ohio.

IT IS SO ORDERED this 15th day of April, 2019.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹*Stearns v. Inmate Services Corporation, et al.*, No. 3:16-CV-00339 (E.D. Ark.).

²*Id.* at Doc. Nos. 85, 91, 100.

³*Peters v. Inmate Services Corporation, et al.*, No. 3:18-CV-00150 (E.D. Ark.).

⁴1:18-cv-02959-JG (N.D. Oh.).

⁵*Peters v. Inmate Services Corporation, et al.*, No. 1:17-cv-1660 (N.D. Ohio), Doc. No. 24.